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Attorneys for Plaintiff Luke Y. Kim

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

LUKE Y. KIM, an individual

Plaintiff,

vs.

SHEIN DISTRIBUTION  
CORPORATION, a Delaware  
corporation; and DOES 1 through 10,  
inclusive,

Defendants.

Case No.

**COMPLAINT FOR:**

- 1. COPYRIGHT INFRINGEMENT;**
- 2. VICARIOUS AND/OR  
CONTRIBUTORY COPYRIGHT  
INFRINGEMENT**

**DEMAND FOR JURY TRIAL**

Plaintiff LUKE Y. KIM (“Plaintiff”), by and through his undersigned attorneys, hereby prays to this honorable Court for relief as follows:

**COMPLAINT**

**JURISDICTION AND VENUE**

1  
2 1. This action arises under the Copyright Act of 1976, Title 17 U.S.C. § 101 et  
3 seq.

4 2. This Court has federal question jurisdiction under 28 U.S.C. §§ 1331 and  
5 1338 (a) and (b).

6 3. Venue in this judicial district is proper under 28 U.S.C. §§ 1391(c) and  
7 1400(a) in that this is the judicial district in which a substantial part of the acts and  
8 omissions giving rise to the claims occurred.

9 **PARTIES**

10 4. Plaintiff is an individual who resides in the County of Los Angeles and the  
11 State of California.

12 5. Plaintiff is informed and believes and thereon alleges that Defendant SHEIN  
13 DISTRIBUTION CORPORATION, a Delaware corporation (“SHEIN”), is, and at  
14 all times herein mentioned was, a corporation organized and existing under the laws  
15 of the State of Delaware, with its principal place of business located at 757 South  
16 Alameda Street, Suite 220, Los Angeles, CA 90021, which is authorized to do  
17 business, and is doing business in the State of California.

18 6. Defendants DOES 1 through 10, inclusive, are other parties not yet  
19 identified who have infringed Plaintiff’s copyrights, have contributed to the  
20 infringement of Plaintiff’s copyrights, or have engaged in one or more of the  
21 wrongful practices alleged herein. The true names, whether corporate, individual or  
22 otherwise, of Defendants DOES 1 through 10, inclusive, are presently unknown to  
23 Plaintiff, which thus sues said Defendants by such fictitious names, and will seek  
24 leave to amend this Complaint to show their true names and capacities when same  
25 have been ascertained.

26 7. Plaintiff is informed and believes and thereon alleges that at all times  
27 relevant hereto each of the Defendants was the agent, affiliate, officer, director,  
28 manager, principal, alter-ego, and/or employee of the remaining Defendants and

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**COMPLAINT**

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1 was at all times acting within the scope of such agency, affiliation, alter-ego  
2 relationship, and/or employment, and actively participated in or subsequently  
3 ratified and adopted, or both, each and all of the acts or conduct alleged, with full  
4 knowledge of all the facts and circumstances, including, but not limited to, full  
5 knowledge of each and every violation of Plaintiff's rights and the damages to  
6 Plaintiff proximately caused thereby.

7 **CLAIMS RELATED TO DESIGN PO18-M142**

8 8. Prior to the conduct complained of herein, Hae Jee composed an original  
9 two-dimensional artwork for purposes of textile printing, which is set forth  
10 hereinbelow. Hae Jee allocated this artwork an internal design number PO18-M142  
11 (hereinafter the "Subject Design"). This artwork was a creation of Hae Jee, and is,  
12 and at all relevant times was, owned exclusively by Hae Jee.

13 9. On or around March 10, 2018, Hae Jee assigned her copyright rights to the  
14 Subject Design to Plaintiff. A true and correct copy of the Assignment of Rights is  
15 attached hereto as Exhibit A.

16 10. On or around April 10, 2018, Plaintiff applied for and received a United  
17 States Copyright Registration for the Subject Design. A true and correct copy of the  
18 Certificate of Registration is attached hereto as Exhibit B.

19 11. Prior to the acts complained of herein, Plaintiff sampled and sold fabric  
20 bearing the Subject Design to numerous parties in the fashion and apparel  
21 industries.

22 12. Plaintiff is informed and believes and thereon alleges that SHEIN and  
23 certain DOE defendants created, sold, manufactured, caused to be manufactured,  
24 imported, and/or distributed fabric and/or garments comprised of fabric bearing an  
25 unauthorized reproduction of the Subject Design (the "Subject Product") to its  
26 retailers as well as to the public.

27 13. A comparison of the Subject Design and the garments below makes apparent  
28 that the elements, colors, composition, arrangement, layout, and appearance of the

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designs are substantially similar. The following garments, which Plaintiff had purchased from SHEIN, have the following SKU numbers:

(1) sw2111172165813216 (the “Subject Product A”), sw2208091971641426 (the “Subject Product B”), sw2204025875482267 (the “Subject Product C”), sw2209203251361646 (the “Subject Product D”), sw2210111626776624 (the “Subject Product E”), sw2210314999192339 (the “Subject Product F”), sw2211012273135775 (the “Subject Product G”), sw2211225775380229 (the “Subject Product H”). A comparison of the Subject Design and these garments is attached hereto as Exhibit C.

(2) sa2208240502009990 (the “Subject Product I”), sa2211285900285199 (the “Subject Product J”), sk2206287770007821 (the “Subject Product K”), sk2209058394790609 (the “Subject Product L”), sk2211233817391047 (the “Subject Product M”), sk2208024897722525 (the “Subject Product N”), sw2210151107871812 (the “Subject Product O”), sa2209298891670112 (the “Subject Product P”), sa2212053870900362 (the “Subject Product Q”), sk2207075553928090 (the “Subject Product R”), sk2211221022944078 (the “Subject Product S”), sk2212022215295423 (the “Subject Product T”), sa2207054042669666 (the “Subject Product U”), sw2212198598580340 (the “Subject Product V”), sa2211085695903594 (the “Subject Product W”), sk2206100422811817 (the “Subject Product X”), sk2208129112199445 (the “Subject Product Y”), sw2208256768071477 (the “Subject Product Z”), sk2211260105373148 (the “Subject Product AA”), and sk2212076682010185 (the “Subject Product BB”). A comparison of the Subject Design and these garments is attached hereto as Exhibit D

14. Plaintiff is informed and believes and thereon alleges that Defendants, and each of them, have committed copyright infringement with actual or constructive knowledge of Plaintiff’s rights and/or in blatant disregard for Plaintiff’s rights, such that said acts of copyright infringement were, and continue to be, willful,

1 intentional, and malicious, subjecting Defendants, and each of them, to liability for  
2 statutory damages under the Copyright Act, 17 U.S.C. § 504(c)(2) in the sum of up  
3 to one hundred fifty thousand dollars (\$150,000) per infringement.

4 **FIRST CLAIM FOR RELIEF**

5 (For Copyright Infringement – Against All Defendants)

6 15. Plaintiff repeats, realleges, and incorporates herein by reference as though  
7 fully set forth, the allegations contained in the preceding paragraphs of this  
8 Complaint.

9 16. Plaintiff is informed and believes and thereon alleges that Defendants, and  
10 each of them, had access to the Subject Design, including, without limitation,  
11 through (a) access to Plaintiff's showroom and/or design library; (b) access to  
12 illegally distributed copies of the Subject Design by third-party vendors and/or  
13 DOE defendants, including, without limitation, international and/or overseas  
14 converters and printing mills; (c) access to Plaintiff's strike-offs and samples,  
15 and/or (d) garments manufactured and sold to the public bearing fabric lawfully  
16 printed with the Subject Design by Plaintiff for its customers.

17 17. Plaintiff is informed and believes and thereon alleges that one or more of the  
18 Defendants manufactures garments and/or is a garment vendor. Plaintiff is further  
19 informed and believes and thereon alleges that said Defendant(s) has an ongoing  
20 business relationship with Defendant retailers, and each of them, and supplied  
21 garments to said retailer, which garments infringed the Subject Design in that said  
22 garments were composed of fabric which featured unauthorized print design(s) that  
23 were identical or substantially similar to the Subject Design, or were an illegal  
24 derivation or modification thereof.

25 18. Plaintiff is informed and believes and thereon alleges that Defendants, and  
26 each of them, infringed Plaintiff's copyrights by creating, manufacturing, and/or  
27 developing directly infringing and/or derivative works from the Subject Design and  
28 by manufacturing, distributing, and/or selling garments which infringe the Subject

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1 Design through a nationwide network of retail stores, catalogues, and through on-  
2 line websites.

3 19. Due to Defendants' acts of copyright infringement as alleged herein,  
4 Plaintiff has suffered substantial damages to its business in an amount to be  
5 established at trial.

6 20. Due to Defendants' acts of copyright infringement as alleged herein,  
7 Plaintiff has suffered general and special damages to its business in an amount to  
8 be established at trial.

9 21. Due to Defendants' acts of copyright infringement as alleged herein,  
10 Defendants, and each of them, have obtained direct and indirect profits they would  
11 not otherwise have realized but for their infringement of the Subject Design. As  
12 such, Plaintiff is entitled to disgorgement of Defendants' profits directly and  
13 indirectly attributable to Defendants' infringement of the Subject Design in an  
14 amount to be established at trial.

15 22. Plaintiff is informed and believes and thereon alleges that Defendants, and  
16 each of them, have committed copyright infringement as alleged herein, which were  
17 willful, intentional, and malicious, which further subjects Defendants, and each of  
18 them, to liability for statutory damages under the Copyright Act, 17 U.S.C. §  
19 504(c)(2) in the sum of up to one hundred fifty thousand dollars (\$150,000) per  
20 infringement. Within the time permitted by law, Plaintiff will make its election  
21 between actual damages and statutory damages.

22 **SECOND CLAIM FOR RELIEF**

23 (For Vicarious and/or Contributory Copyright Infringement  
24 – Against All Defendants)

25 23. Plaintiff repeats, realleges, and incorporates herein by reference as though  
26 fully set forth, the allegations contained in the preceding paragraphs of this  
27 Complaint.  
28

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1        24. Plaintiff is informed and believes and thereon alleges that Defendants  
2 knowingly induced, participated in, aided and abetted in, and profited from the  
3 illegal reproduction and/or subsequent sales of garments featuring the Subject  
4 Design as alleged herein.

5        25. Plaintiff is informed and believes and thereon alleges that Defendants, and  
6 each of them, are vicariously liable for the infringement alleged herein because they  
7 had the right and ability to supervise the infringing conduct and because they had a  
8 direct financial interest in the infringing conduct.

9        26. By reason of the Defendants' and each of their acts of contributory and  
10 vicarious infringement as alleged above, Plaintiff has suffered and will continue to  
11 suffer substantial damages to its business in an amount to be established at trial, as  
12 well as additional general and special damages in an amount to be established at  
13 trial.

14        27. Due to Defendants' and each of their acts of copyright infringement as  
15 alleged herein, Defendants, and each of them, have obtained direct and indirect  
16 profits they would not otherwise have realized but for their infringement of the  
17 Subject Design. As such, Plaintiff is entitled to disgorgement of Defendants' profits  
18 directly and indirectly attributable to Defendants' infringement of the Subject  
19 Design in an amount to be established at trial.

20        28. Plaintiff is informed and believes and thereon alleges that Defendants, and  
21 each of them, have committed acts of copyright infringement as alleged herein,  
22 which were willful, intentional, and malicious, which further subjects Defendants,  
23 and each of them, to liability for statutory damages under the Copyright Act, 17  
24 U.S.C. § 504(c)(2) in the sum of up to one hundred fifty thousand dollars (\$150,000)  
25 per infringement. Within the time permitted by law, Plaintiff will make its election  
26 between actual damages and statutory damages.



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**PRAYER FOR RELIEF**

Wherefore, Plaintiff prays for judgment against all Defendants as follows:

1. That Defendants, and each of them, and their respective agents and employees be enjoined from infringing Plaintiff's copyrights in any manner, specifically those for the Subject Design;
2. That Defendants, and each of them, account to Plaintiff for their profits and any damages sustained by Plaintiff arising from the foregoing acts of infringement, the exact sum to be proven at the time of trial under the Copyright Act, 17 U.S.C. § 504(b), or, if elected before final judgment, statutory damages as available under the Copyright Act, 17 U.S.C. § 504(c) et seq.;
3. That Plaintiff be awarded its attorneys' fees as available under the Copyright Act, 17 U.S.C. §101 et seq.;
4. That Plaintiff be awarded pre-judgment interest as allowed by law;
5. That Plaintiff be awarded the costs of this action; and
6. That Plaintiff be awarded such further legal and equitable relief as the Court deems proper.

A TRIAL BY JURY PURSUANT TO FED. R. CIV. P. 38 AND CONSTITUTIONAL AMENDMENT SEVEN IS HEREBY DEMANDED.

Date: September 20, 2023

LAW OFFICES OF ALBERT CHANG

By: /s/ Hyunsuk Albert Chang  
Hyunsuk Albert Chang  
Hector Hsu  
Attorneys for Plaintiff  
LUKE Y. KIM



# **EXHIBIT A**

### ASSIGNMENT OF RIGHTS

THIS ASSIGNMENT ARTWORK (“Assignment”) is entered into by and between **HAE JEE** (“Assignor”) and **LUKE Y. KIM** (“Assignee”) (Assignor and Assignee each a “Party,” and collectively, the “Parties.”). This Assignment is effective upon the signing of the Assignment by Assignor and Assignee and is intended by all Parties to confirm and memorialize the transfer of rights in certain artwork.

1. Assignor created and developed certain original designs and artworks identified as **PO18-M142** (the “Works”). The Works were created by, and are owned by, Assignor. The Works are original and not copied from any source. Through this Assignment, Assignor assigns and transfers all rights, title, and interest of any nature whatsoever (including, without limitation, copyright and trademark rights, as well as any renewal rights) in the Works to Assignee.
2. This Assignment shall be binding on, and inure to the benefit of, the Parties hereto, their successors in interest and assigns.
3. The interpretation and performance of this Assignment shall be governed by the laws of the State of California.
4. This Assignment may be executed in any number of separate counterparts, and each counterpart, when so executed, shall be deemed to be an original, and all such counterparts shall, together, constitute and be one and the same instrument.
5. The individual(s) signing this Assignment in a representative capacity represents and warrants that he or she is authorized to do so and to bind the company on whose behalf he or she is signing.
6. If any or more of the provisions of this Assignment are found to be invalid, illegal, or unenforceable, then such provision(s) shall be stricken from this Assignment and shall not affect the validity, legality or enforceability of the remainder of the Assignment.

7. Any waiver, modification, or amendment of any provision of this Assignment will be effective only if in writing and signed by both parties.

IN WITNESS WHEREOF, Assignor and Assignee agree to the above and have executed this Assignment in agreement to the above terms.

**"ASSIGNOR":**

**HAE JEE**

DATED: March 10, 2018

BY: 

HAE JEE

**"ASSIGNEE":**

**LUKE Y. KIM**

DATED: March 10, 2018

BY: 

LUKE Y. KIM

# **EXHIBIT B**



# Certificate of Registration



This Certificate issued under the seal of the Copyright Office in accordance with title 17, *United States Code*, attests that registration has been made for the work identified below. The information on this certificate has been made a part of the Copyright Office records.

United States Register of Copyrights and Director

Registration Number

**VA 2-150-150**

Effective Date of Registration:

April 10, 2018



## Title

Title of Work: PO18-M142

## Completion/Publication

Year of Completion: 2018  
Date of 1st Publication: March 10, 2018  
Nation of 1<sup>st</sup> Publication: United States

## Author

- Author: HAE JEE  
Author Created: 2-D artwork  
Work made for hire: No  
Citizen of: United States

## Copyright Claimant

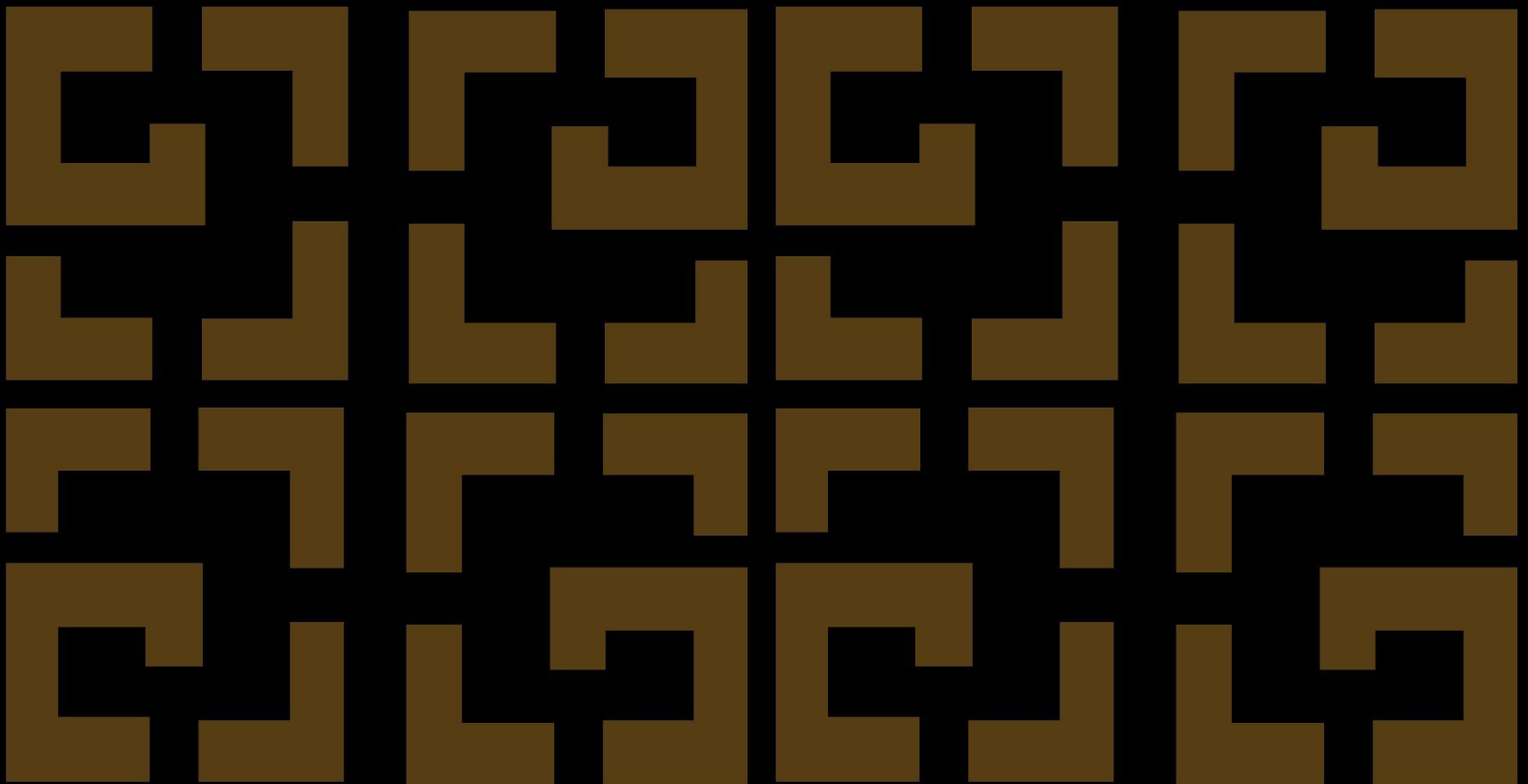
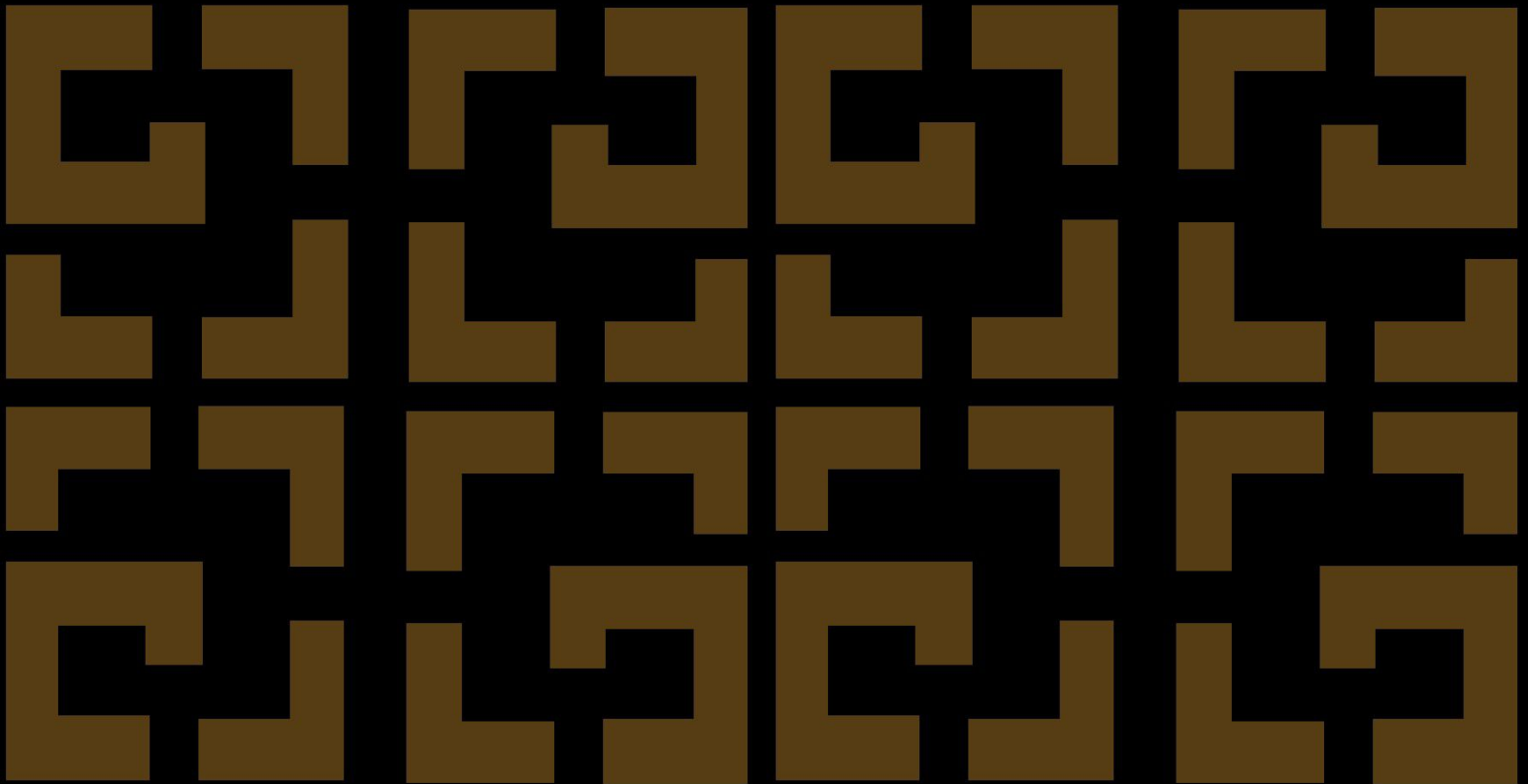
Copyright Claimant: LUKE Y KIM  
222 E 32ND ST, LOS ANGELES, CA, 90011, United States  
Transfer statement: By written agreement

## Rights and Permissions

Name: LUKE Y KIM  
Email: poppytextile@gmail.com  
Telephone: (323)325-7669  
Address: 222 E 32ND ST  
LOS ANGELES, CA 90011 United States





## Certification



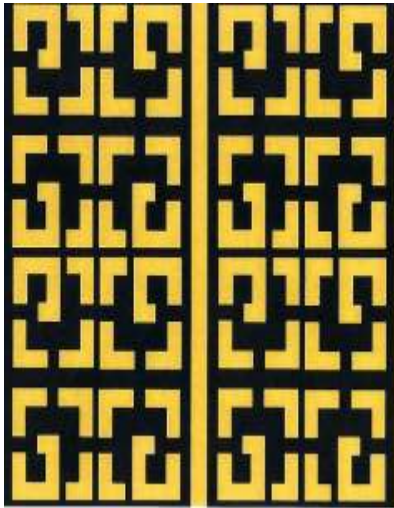

Name: LUKE Y KIM



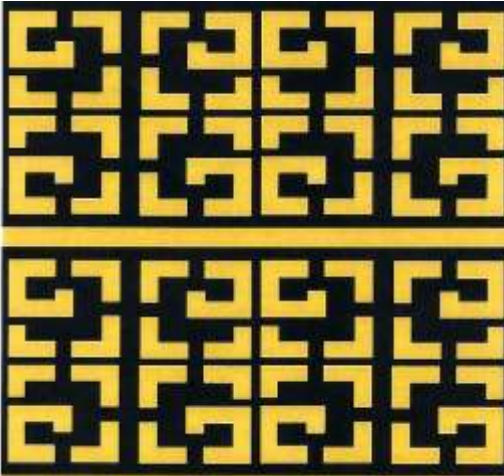







# EXHIBIT C




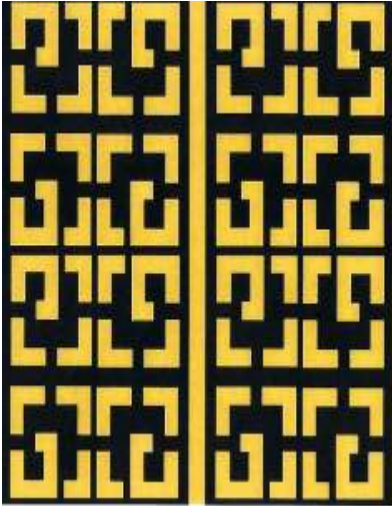


<u>Subject Design</u>	<u>Subject Product A</u>
<p>Detail</p>  <p>Design</p> 	<p>Detail</p>  <p>Garment</p> 

<u>Subject Design</u>	<u>Subject Product B</u>
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<p>Design</p> 	<p>Garment</p> 

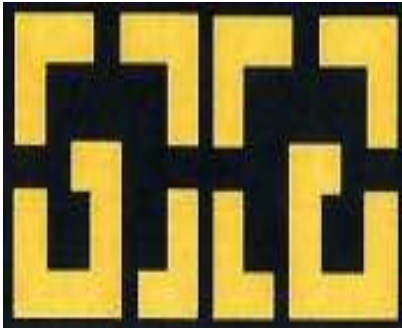
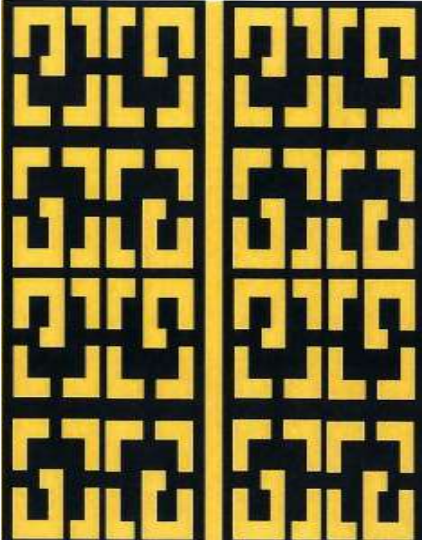
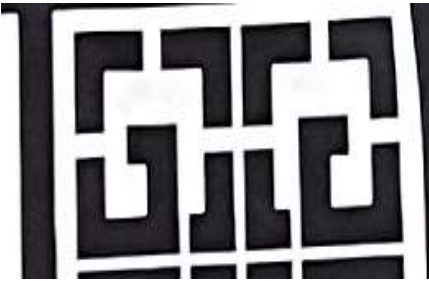

<u>Subject Design</u>	<u>Subject Product C</u>
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<p data-bbox="418 793 524 835">Design</p> 	<p data-bbox="1052 793 1182 835">Garment</p> 

<u>Subject Design</u>	<u>Subject Product D</u>
<p>Detail</p> 	<p>Detail</p> 
<p>Design</p> 	<p>Garment</p> 


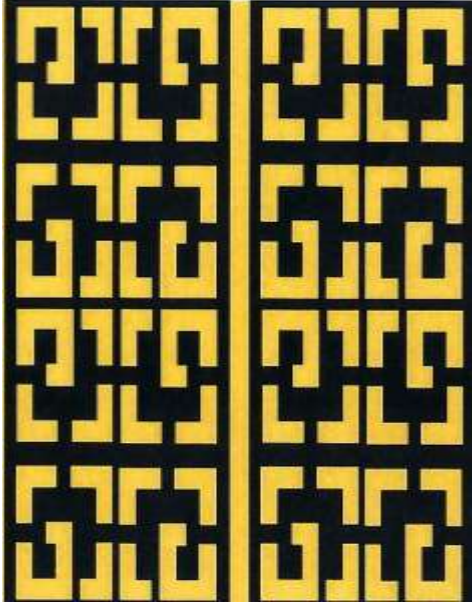




<u>Subject Design</u>	<u>Subject Product E</u>
<p>Detail</p>  <p>Design</p> 	<p>Detail</p>  <p>Garment</p> 




<u>Subject Design</u>	<u>Subject Product F</u>
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<p>Design</p> 	<p>Garment</p> 


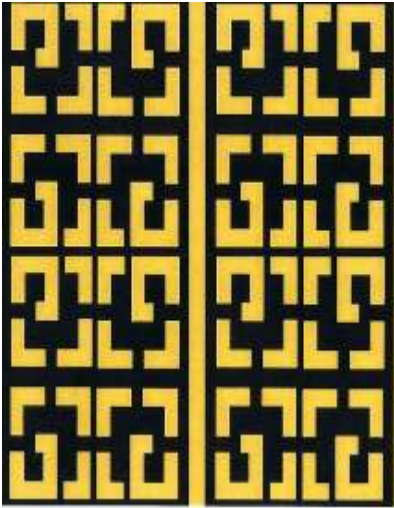


<u>Subject Design</u>	<u>Subject Product G</u>
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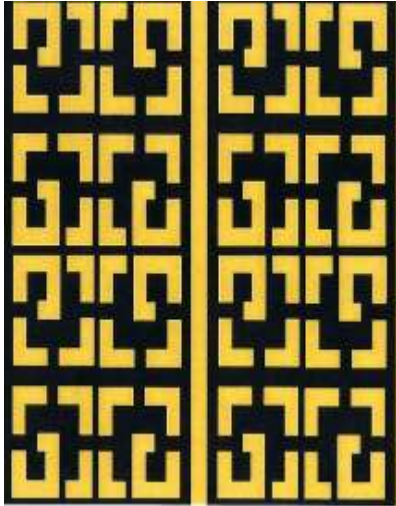




<u>Subject Design</u>	<u>Subject Product H</u>
<p data-bbox="443 394 537 426">Detail</p>  <p data-bbox="435 915 545 947">Design</p> 	<p data-bbox="1065 394 1159 426">Detail</p>  <p data-bbox="1044 915 1180 947">Garment</p> 

# EXHIBIT D


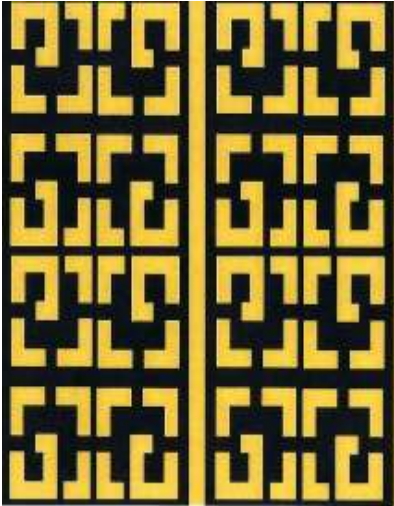


<u>Subject Design</u>	<u>Subject Product I</u>
<p data-bbox="451 268 545 306">Detail</p>  <p data-bbox="444 814 552 852">Design</p> 	<p data-bbox="1073 268 1167 306">Detail</p>  <p data-bbox="1053 814 1187 852">Garment</p> 

<u>Subject Design</u>	<u>Subject Product J</u>
<p data-bbox="451 331 545 369">Detail</p>  <p data-bbox="443 873 553 911">Design</p> 	<p data-bbox="1073 331 1167 369">Detail</p>  <p data-bbox="1052 873 1188 911">Garment</p> 





<u>Subject Design</u>	<u>Subject Product K</u>
<p>Detail</p>  <p>Design</p> 	<p>Detail</p>  <p>Garment</p> 


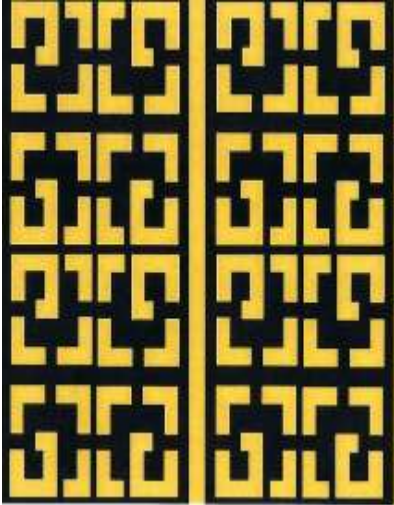




<u>Subject Design</u>	<u>Subject Product L</u>
<p>Detail</p>  <p>Design</p> 	<p>Detail</p>  <p>Garment</p> 


<u>Subject Design</u>	<u>Subject Product M</u>
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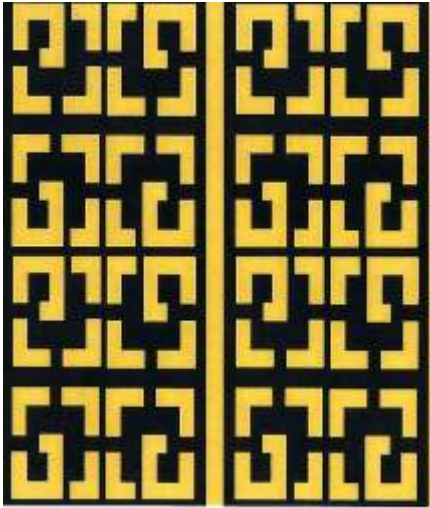


<u>Subject Design</u>	<u>Subject Product N</u>
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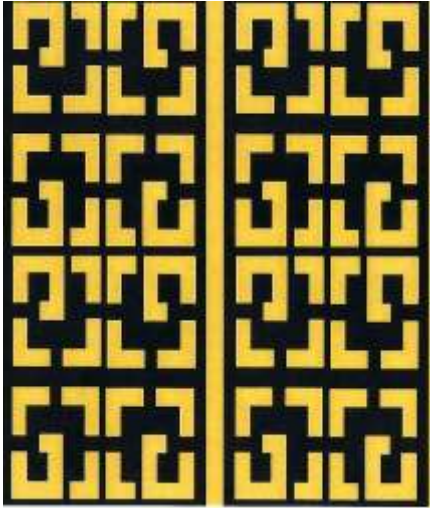
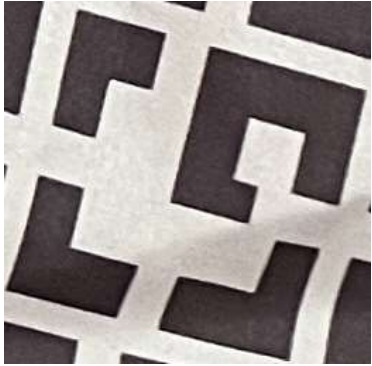

<u>Subject Design</u>	<u>Subject Product O</u>
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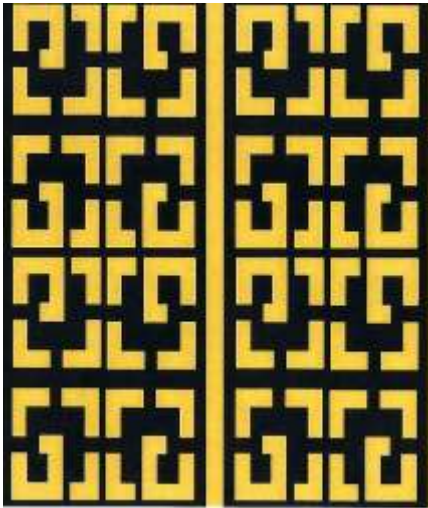


<u>Subject Design</u>	<u>Subject Product P</u>
<p>Detail</p>  <p>Design</p> 	<p>Detail</p>  <p>Garment</p> 

<u>Subject Design</u>	<u>Subject Product Q</u>
<p data-bbox="451 632 545 669">Detail</p> 	<p data-bbox="1073 632 1167 669">Detail</p> 
<p data-bbox="444 1157 552 1194">Design</p> 	<p data-bbox="1057 1157 1183 1194">Garment</p> 


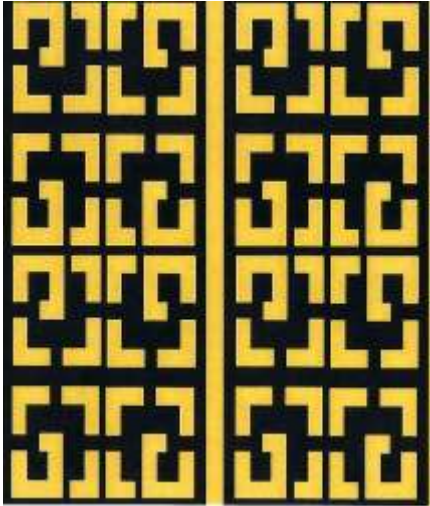





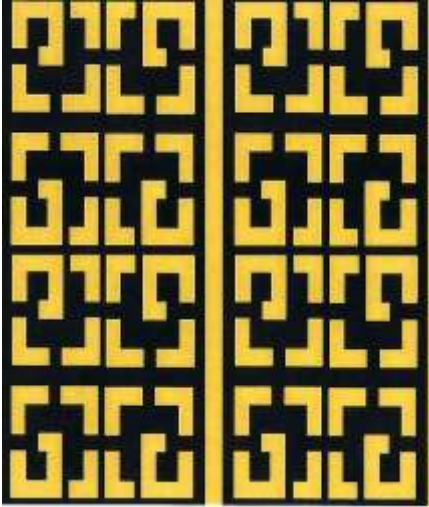


<u>Subject Design</u>	<u>Subject Product R</u>
<p>Detail</p>  <p>Design</p> 	<p>Detail</p>  <p>Garment</p> 


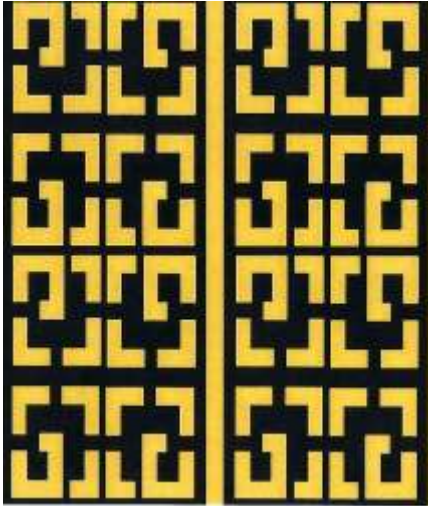
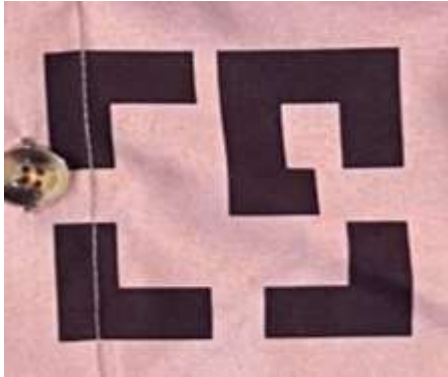
<u>Subject Design</u>	<u>Subject Product S</u>
<p>Detail</p>  <p>Design</p> 	<p>Detail</p>  <p>Garment</p> 


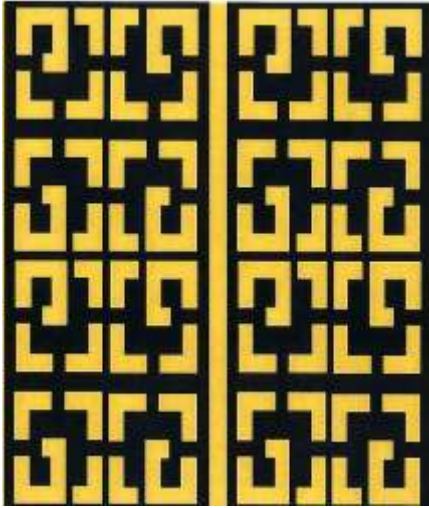


<u>Subject Design</u>	<u>Subject Product T</u>
<p>Detail</p>  <p>Design</p> 	<p>Detail</p>  <p>Garment</p> 




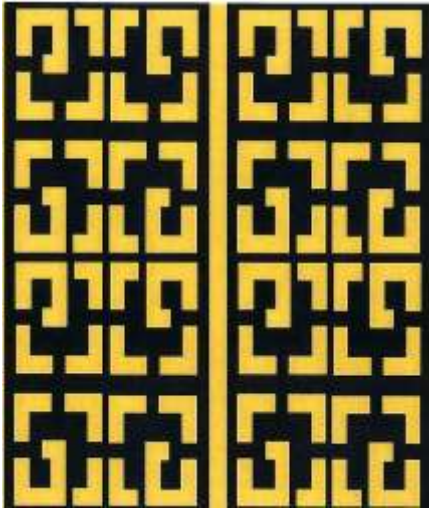
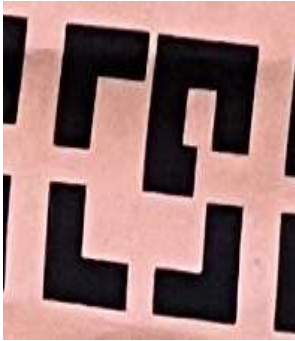

<u>Subject Design</u>	<u>Subject Product U</u>
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<u>Subject Design</u>	<u>Subject Product V</u>
<p>Detail</p>  <p>Design</p> 	<p>Detail</p>  <p>Garment</p> 


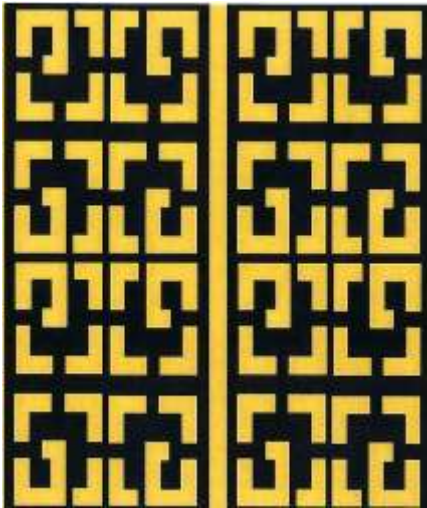


<u>Subject Design</u>	<u>Subject Product W</u>
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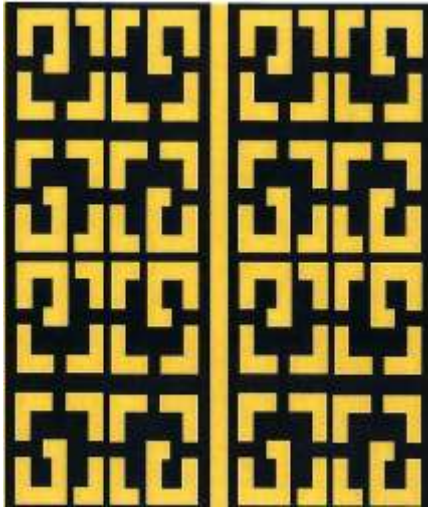


<u>Subject Design</u>	<u>Subject Product X</u>
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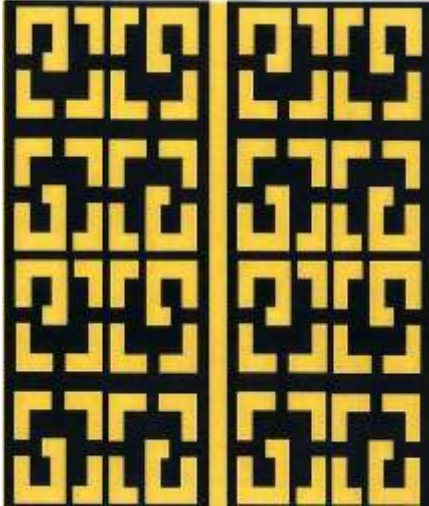



<u>Subject Design</u>	<u>Subject Product Y</u>
<p>Detail</p>  <p>Design</p> 	<p>Detail</p>  <p>Garment</p> 



<u>Subject Design</u>	<u>Subject Product Z</u>
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<u>Subject Design</u>	<u>Subject Product AA</u>
<p>Detail</p>  <p>Design</p> 	<p>Detail</p>  <p>Garment</p> 

<u>Subject Design</u>	<u>Subject Product BB</u>
<p>Detail</p>  <p>Design</p> 	<p>Detail</p>  <p>Garment</p> 